IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17189 of 2004

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Between:

Ch.Ansamma D/o. of Bhagaiah
Mandal Parishad Alah Durgh Medak District.

..... PETITIONER

AND

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1 The District Collector Medak District at Sanga Reddy
2 The Chief Executive Officer, Zilla Parishad, Medak,

Sangareddy.
3 The Mandal Parishad Development Officer Allah Durgh

Mandal, Medak District.
4 The Assistant Executive Engineer, Panchayat Raj Allah

Durgh, Medak District.
5 The President, Mandal Praja Parishad, Allah Durg,

Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ order or direction declaring the orders of 3rd Respondent dated 28.8.2004 vide order No.A/60/04 as illegal, arbitrary, unjust and without proper approval by the General Body and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.S.N.PRASAD

Counsel for Respondent No.1: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for Respondents 2 to 4: ---

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Panchayat Raj & Rural Development . Both have no objection for disposal of the writ petition at the admission stage.

Admittedly petitioner was elected as president of the Mandal Parishad of Allah Durg, On no confidence motion being moved against the petitioner, he was removed from the president of Mandal Parishad, and fresh elections were conducted on 25-8-2004 for election of President and one Smt. Bhagamma W/o. Shankaraiah was elected as President of the Mandal Parishad in place of the petitioner. Petitioner addressed a letter to the Election Officer stating that the newly elected President had disobeyed the party whip and therefore she was liable for disqualification under Sections 153 and 181 of the Andhra Pradesh Panchayat Raj Act (for short 'the Act'). In pursuance of the same, Presiding Officer, Chilver MPTC by order dated 3-9-2004 declared Smt. Bhagamma ceased to be a member of the Chilver MPTC of Allah Durg Mandal. The order of the Presiding Officer dated 3-9-2004 was suspended by this court in W.P.No.16216 of 2004 dated 10-9-2004. Meanwhile, the Mandal Parishad passed a resolution on 28-8-2004 for undertaking the works under Sampurna Grameena Rojgar Yojana Stream-1 (SGRY) during the year 2003-2004, which has been approved by the Mandal Parishad Development Officer (MPDO) through impugned order dated 28-8-2004. Questioning the validity and legality of the said order, the present writ petition is filed contending that the said resolution was passed in a hurry manner and without following the procedure as contemplated under law and was approved by the MPDO without forwarding the resolution to the General Body for its approval. In view of the same, the said developmental works shall not be proceeded, unless they are approved by the General body.

Learned counsel for the petitioner submits that without there being any prior sanction as contemplated under Section 174 of the Act by the Zilla Parishad or by the District Collector, the order passed by the MPDO is arbitrary and illegal.

I see no force in the submission made by the learned counsel for the petitioner since the order itself indicate that the orders of the Zilla Parishad, Sangareddy have been obtained by the MPDO according to the reference second cited. In view of the same, the resolution passed on 28-8-2004 is only to take up the said works under SJRY Stream-1 for the year 2003-2004. In view of the same, petitioner cannot stall the developmental works. If the petitioner feels aggrieved that

there is any violation of the rules and regulations in approving the resolution by the MPDO, he can approach the District Collector, who is the authority to approve the order with such modification.

Accordingly, the Writ Petition is dismissed at the admission stage.

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A. Gopal Reddy, J.

24th September, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The District Collector Medak District at Sanga Reddy
2 The Chief Executive Officer, Zilla Parishad, Medak,

Sangareddy.
3 The Mandal Parishad Development Officer Allah Durgh

Mandal, Medak District.
4 The Assistant Executive Engineer, Panchayat Raj Allah

Durgh, Medak District.
5 The President, Mandal Praja Parishad, Allah Durg,

Medak District.

6 2 CCs to G.P. for Panchayat Raj & Rural Development, High

Court Buildings, Hyderabad.

7 2 CD copies.